IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

Crl.MC.No. 4015 of 2006()

CP.126/2006 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II,NEYYATTINKARA
CRIME NO.864/05 OF PARASSALA POLICE STATION.

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PETITIONER: ACCUSED

BIBIN RAJ @ SHAJI,
S/O.SATHYARAJ, MACHINGATHOTTAM VEEDU,
NEDUVAN VIA, PARASSALA.

BY ADV. SRI.G.SUDHEER

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI. K.A. AKBAR.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 4015 OF 2006

Dated this the 13th day of December, 2006

ORDER

The petitioner faces indictment in a prosecution for the offence punishable under Sec.366A of the IPC. Charge sheet has been filed. Cognizance has been taken. Proceedings are pending before the committal court. The learned counsel for the petitioner submits that the petitioner now wants to appear before the learned Magistrate. He brings to the notice of this Court that the alleged victim of the offence – the kidnapped minor girl, has now attained the age of majority and the petitioner is legally married to the said girl. The petitioner apprehends that if he surrenders before the learned Magistrate and applies for regular bail, his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. The learned counsel for the petitioner submits that the fact that the spouses are living happily, after marriage, may be taken into account and the learned Magistrate may be directed to release the petitioner on bail.

2. I have no reason to assume that the learned Magistrate would not consider the application for regular bail to be filed by the petitioner realistically and taking note of the alleged marriage between the petitioner and the victim/the kidnapped girl. I am satisfied that no special or specific directions are necessary. Suffice it to say that the learned Magistrate must consider all the relevant inputs including the fact that the parties got married subsequently and pass appropriate orders on merits and expeditiously on the date of surrender itself.

3. With the above observations, this Crl.M.C. is dismissed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge